

## UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

WILLIAM LEONARD PICKARD,

No. C 10-05253 LB

Plaintiff,

v.

DEPARTMENT OF JUSTICE,

Defendant.

**ORDER REQUESTING ADDITIONAL  
BRIEFING FROM THE  
GOVERNMENT REGARDING  
TRANSFER OF THE CASE TO THE  
DISTRICT OF ARIZONA**

On June 15, 2011,<sup>1</sup> Plaintiff William Pickard filed a motion for reconsideration asking the court to reconsider its June 7, 2011 order transferring this case to the Eastern District of Virginia. Motion for Reconsideration, ECF No. 39.<sup>2</sup> In the alternative, Mr. Pickard requests that the court transfer the case to the District of Arizona or certify its ruling for interlocutory appeal. *Id.* Pursuant to Civil Local Rule 7-9(d), the court orders the government to submit a brief response indicating its position

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<sup>1</sup> Under the “mailbox rule,” a document filed by a *pro se* prisoner is deemed “filed” on the date the prisoner gives the document to prison officials to be mailed to the court. *See, e.g., Houston v. Lack*, 487 U.S. 286, 270-71 (1988) (notice of appeal); *Stillman v. Lamarque*, 319 F.3d 1199, 1201 (9<sup>th</sup> Cir. 2003) (state habeas petition). Mr. Pickard’s proof of service indicates that he mailed his motion on June 15, 2011. ECF No. 39-1 at 2. Therefore, Mr. Pickard filed his motion for reconsideration on June 15, 2011.

<sup>2</sup> Citations are to the Electronic Case File (“ECF”) with pin cites to the electronic page number at the top of the document, not the pages at the bottom.

1 on Mr. Pickard's request to transfer the case to the District of Arizona. The government shall submit  
2 this response no later than July 1, 2011.

3 **IT IS SO ORDERED.**

4 Dated: June 29, 2011



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LAUREL BEELER  
United States Magistrate Judge